

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

Case No.

21-cv-3104

(to be filled in by the Clerk's Office)

Andy Ortiz

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

LT. Horsey, et al.,
C/O: Bennett, C/O: Amazon, Sgt. White
C/O: Tita, C/O: Bailey, Major Martin

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

The Clerk will not file a civil complaint unless the person seeking relief pays the entire filing fee (currently \$350) and an administrative fee (currently \$52) in advance, or the person applies for and is granted in forma pauperis status pursuant to 28 U.S.C. § 1915. A prisoner who seeks to proceed in forma pauperis must submit to the Clerk (1) a completed affidavit of poverty and (2) a copy of the trust fund account statement for the prisoner for the six month period immediately preceding the filing of the complaint, obtained from and certified as correct by the appropriate official of each prison at which the prisoner is or was confined for the preceding six months. See 28 U.S.C. § 1915(a)(2).

If the Judge enters an order granting a prisoner's application to proceed in forma pauperis, then the order will assess the filing fee (currently \$350) against the prisoner and collect the fee by directing the agency having custody of the prisoner to deduct an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prison account or the average monthly balance in the prison account for the six-month period immediately preceding the filing of the complaint, as well as monthly installment payments equal to 20% of the preceding month's income credited to the account for each month that the balance of the account exceeds \$10.00, until the entire filing fee has been paid. See 28 U.S.C. § 1915(b). **A prisoner who is granted leave to proceed in forma pauperis is obligated to pay the entire filing fee regardless of the outcome of the proceeding, and is not entitled to the return of any payments made toward the fee.**

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Andy Ortiz PP# 1212917
 All other names by which you have been known: wyo. snoop, OFFICIAL Snoop, lilu, Ayo, wyo snoop, Ant, Andrew
 ID Number unknown
 Current Institution Curran - Frankford Correctional Facility
 Address 7901 State Road
Philadelphia PA 19136
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name L.T. Horsey
 Job or Title (*if known*) Supervisor
 Shield Number unknown
 Employer Philadelphia Industrial Correctional Center
 Address 8301 State Road
Philadelphia PA 19136
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name Sgt. White
 Job or Title (*if known*) Supervisor
 Shield Number unknown
 Employer Philadelphia Industrial Correctional Center
 Address 8301 State Road
Philadelphia PA 19136
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name

Correctional officer: Bennett

Job or Title (if known)

Correctional officer / staff

Shield Number

unknown

Employer

Philadelphia-Industrial-correctional-center

Address

8301 State Road

Philadelphia
City

PA
State

19136
Zip Code

☒ Individual capacity

☐ Official capacity

Defendant No. 4

Name

Correctional officer: AMAZON

Job or Title (if known)

Correctional officer / staff

Shield Number

unknown

Employer

Philadelphia-Industrial-correctional-center

Address

8301 State Road

Philadelphia
City

PA
State

19136
Zip Code

☒ Individual capacity

☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Constitutional rights, Bill of Rights, Federal Rights, Excessive Force-Claim, Failure to protect claim, Deliberate indifference claim, due process claim. All amendment Rights, Condition of confinement, Medical care, Protection from physical and mental harm, Protection from violent C/Os and inmates.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

① LT. Horbey Act under color ignored my request for medical attention and prepared a false disciplinary write up, with violated my rights. also violate the Due process and deliberate Indifference.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☒ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

In different locations in the prison.
In front of the unit I was housed on.
In The Receiving room and the Hallways.
AT The Philadelphia Industrial Correctional center.

C. What date and approximate time did the events giving rise to your claim(s) occur?

on Feb. 24, 2020 was when it
happen.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was attacked other clog saw what
happen. The mental Health Social worker
also saw it. An Inmate saw it as well.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

suffer from PTSD and Flash backs
lumps and swelling to the face and
a nose bleed.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

5 million U.S. DOLLARS To The Eastern
District court of PA Due to the violence
That was caused from guards and
staff & inmates. Also lack of
medical attention.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Philadelphia - Industrial - correctional - center

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

NA

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

The same day the incident occurred and filed in other jails as well.

2. What did you claim in your grievance?

I claim every thing on the grievance that I am trying to claim here.

3. What was the result, if any?

No, there was no results at all I waited to no avail.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I have not got the chance to appeal because I never gotten a responds back. I just replied to I get an responds.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed Correctional officer: green But, ~~was~~ he ignored. I informed L.T. Horsey and Sgt. white and the doctor and C/O: Petel and Captain at my first hearing and Major Martin and Blanche Carney.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote Blanche Carney I wrote P.I.L.P the Prison Society and Deputy warden and supervisor of the Jails

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) ANDY ORTIZ

Defendant(s) P.I.C.C

2. Court (if federal court, name the district; if state court, name the county and State)

united state District court For the eastern District
Court of Pennsylvania

3. Docket or index number

21-CV-3813

4. Name of Judge assigned to your case

/s/ Gerald J. Pappert

5. Approximate date of filing lawsuit

7-15-21

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Not yet waiting.

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Andy ORTIZ

Defendant(s)

city of Philadelphia

2. Court (if federal court, name the district; if state court, name the county and State)

united states District court For The
Eastern District court of pennsylvania

3. Docket or index number

21-cv-3101

4. Name of Judge assigned to your case

S/ Gerald J. Pappert

5. Approximate date of filing lawsuit

6-28-2021

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

nothing yet waiting.

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-1-2022

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Andy Ortiz
Andy Ortiz
1212917
7901 State Road
Philadelphia PA 19136
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

Defendant No. 5

Name: Correctional Officer: Bailey

Job or Title (if known): Correctional officer / Staff

Shield number: unknown

Employer: Philadelphia-Industrial-Correctional-Center

Address: 8301 State Road

Philadelphia, PA. 19136

Defendant No. 6

Name: Correctional Officer: Ti Ta

Job or Title (if known): Correctional-officer / Staff

Shield number:

~~Employee~~: unknown

Employer: Philadelphia-Industrial-Correctional-Center

Address: 8301 State Road

Philadelphia, PA. 19136

Defendant No. 7

Name: Correctional officer: Petel

Job or Title (if known): Correctional officer / Staff

Shield Number: unknown

Employer: Philadelphia-Industrial-Correctional-Center

Address: 8301 State Road

Philadelphia, PA. 19136

Defendant No. 8

Name: Major Martin

Job or Title (if known) Supervisor / Major

Shield number: unknown

Employer: Philadelphia-Industrial-Correctional-Center

Address: 8301 State Road

Philadelphia, PA. 19136

Defendant #9

City of Philadelphia

Defendant #10

Blanche Carney as PDP Commissioner
and her official capacity

Section 1983 allows defendant to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. IF you are Suing under Section 1983, explain how each defendant acted under color of state or local law. IF you are suing under Bivens, explain how each defendant acted under color of federal law. Attach additional pages if needed. ② Sgt. white acted under color also ignoring my request for medical attention. Also, working together to make a false disciplinary write up. ② Sgt. white also saw Defendant NO: 4 C/O: Amazon Slamming me from door to door and instructed Amazon to "take it easy". when, C/O: Amazon ignore him, ② Sgt. white removed me from C/O: Amazon. ② Sgt. white also purportedly ignored my request for medical attention. ③ C/O: Bennett acted under color using excessive force violate my 8th amendment right and constitutional rights.

③ C/O: Bennett wrapped both hands around my neck and squeezed and shook me violently. He also push me to the ground. ③ C/O Bennett also push me around the cell, demanding me to spit on him. So, I + be a reason for ^{him} ~~me~~ to hit me. ④ C/O: Amazon acted under color. violated 8th ^{amendment} and other rights. ④ C/O: Amazon

punch me 8 to 9 times while hand cuff and shackled. ④ C/O: Amazon also slammed me from door to door.

I claimed I suffer from PTSD / Flash Backs lumps and swelling on my face and a nose bleed. They were results to ③ C/O: Bennett & ④ C/O: Amazon Actions.

⑤ C/O: Bailey acted under color he watched ③ C/O: -
Bennett assault me and choke me and did not
try to stop ~~him~~ ^{him} which violate's Failure to protect.
⑥ C/O: Tita acted under color also watch ③ C/O: Bennett
assault me and choke me and did not try to stop him.
⑦ C/O petel acted under color. He open my cell /
holding cell door to watch ③ C/O Bennett to assault
me and push me around the cell. Demanding me
to spit on him. ⑤ C/O: petel just watched the incident
go down but, did not try to stop. ⑤ C/O: petel also
open my holding cell to lead to ④ C/O: Amazon to
Punch me 8 to 9 times while hand cuffed and
shackled. ⑤ C/O: petel helped ④ C/O: Amazon and did
not try to stop the incident but, watch ④ C/O: Amazon
keep assaulting me. ⑧ Major Martin acted under
color. She violated Due process Had me in a
R.H.U (Restricted Housing unit) where I spent
a whole month without no hearing or medical
attention. ⑨ Blanche Carney pop Commissioner Has ignored
my memos / grievance's. Also ⑨ Blanche Carney also has
immediate custody over me. ⑨ Blanche Carney is
a final policy maker for city of Philadelphia and
she is also Sued in her official capacity. ⑩ city of
Philadelphia acted under color. The city of Philadelphia
funds, controls, and operate the Philadelphia Dept.
of prison. Also ⑩ city of Philadelphia is a political
subdivision organized and existing under the law
of commonwealth of PA. ⑩ city of Philadelphia currently
has immediate custody over me also.

I Andy Ortiz pp#1212917 have wrote yall an 2nd amended complaint about ① C/O: H. Lawton, ② Sargent. - David Gill, ③ Major Martin and Ect about Failure to protect claim and ect / other amendment right's that been ~~write~~ violated and right's.

I ALSO send another one to yall stating about ① C/O A. Jones, ② C/O S. BlackSheer they are correctional officers. ③ Sgt. V. White and other officers and super visors I have listed Due to Breach of security and Ect. Also, wanted to know if yall have recived that amended complaint.

Also the one about P.I. cc housing general population with the protective custody on c-unit at the Philadelphia industrial Correctional center.

I also respectfully ask the court to appoint a civil Attorney toward me so, I can put together these paper work.

I ALSO want to correct the date on the Civil Action NO: 21-CV-3104 The incident ~~Acc~~ taken place on the Date of Feb. 24-2020 not on the year of 2021 thank you.

This incident happen a week before my staff have happen that I reported to yall, also.

All the Facts that was listed for each person is correct Thank you.

I also want to keep you aware of criminal activity
is going on in the prison. with Correctional
officer's giving drugs out for money / cash / cash app
I also seen the KeFee Staff that bring Commissary
also pass drugs out to inmates as well.

I know certain guards that are passing drugs to
inmates. I know inmates that got phones and weapons
In there cell also. I will bring the Jail down on
this criminal activity that's going on. I try to get
in contact with the DA and United States DA
Also. would like to get in contact with the
Federal DA AS Soon as I can about these
matter's.

on How phones and drugs are getting inside of the
Jails.

THANK YOU
FOR YOUR TIME

Amely D. Dwyer

ANDONIZ / C.F.D.F / D1-4

Philadelphia Department of Prisons

Philadelphia, PA 19136

PPN 1212917

RAY-X
S.W.S. U.S.M.S.

RECEIVED
FEB - 4 2022

Legal Mail



RECEIVED
FEB 7 2022

United States District Court For
The Eastern District Court of PA

Clerk of Court, EDPa
James A. Byrne, U.S. Courthouse
Room: 2009

601 MARKET STREET
Philadelphia, PA 19106

19106\$1796 0019

